

EXHIBIT A

DECLARATION OF TRACY L. RENAUD

I, Tracy L. Renaud, hereby make the following declaration with respect to the above-captioned matters:

1. I am the Acting Director of U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security. As the Acting Director of USCIS, I am responsible for overseeing approximately 20,000 federal employees and contractors, who handle approximately 26,000 immigration benefit applications, petitions, and other requests on an average day.
2. Prior to January 21, 2021, I served as the Associate Director of the Service Center Operations Directorate. I've also had prior roles as the Acting Deputy Director and Associate Director of the Management Directorate within USCIS, among other roles in the more than 39 years that I have worked for USCIS and legacy INS.
3. I make the following declaration based on my personal knowledge and on information made available to me in the performance of my official duties as Acting Director of USCIS.
4. I have reviewed the Court's July 16, 2021 injunction, which:
 - a. Requires DHS to cease approving any new DACA "applications" received by DHS and cease granting DACA to any new "applicants" not granted on or before the date of the order;
 - b. Permits DHS to continue to accept initial DACA "applications" and renewal DACA "applications";
 - c. Permits DHS to continue to approve DACA renewal "applications," and administer the DACA policy for DACA "recipients," which USCIS understands to include, among other things, adjudicating attendant work authorization applications, adjudicating advance parole applications, and granting requests for replacement of previously issued documents; and
 - d. Required DHS to post a public notice by Monday, July 19, 2021, to be displayed prominently on its website, that a U.S. District Court has found the DACA

program to be illegal and that, although applicants may continue to submit applications, the Government is prohibited from granting such applications, as well as provide a copy of the notice to all counsel and post to the docket.

5. On July 16, 2021, USCIS sent guidance to DACA adjudicators to cease granting initial DACA requests and related work authorization requests, as well as to cease scheduling biometrics appointments for initial DACA requestors.

6. Consistent with the Court's stay of its injunction, USCIS also instructed DACA adjudicators to continue adjudicating DACA renewal requests from those individuals who had obtained DACA on or before July 16, 2021.

7. USCIS also instructed its workforce that it could continue to accept both initial and renewal DACA requests.

8. Pursuant to longstanding DACA policy and practice, initial DACA requests include:

- a. Requests from filers who have never been granted DACA,
- b. Requests from filers who previously had a grant of DACA, but are filing more than a year after their last grant of DACA expired,
- c. Requests from filers who previously had a grant of DACA but their last grant of DACA was terminated.

9. Pursuant to longstanding DACA policy and practice in place since 2014, USCIS adjudicates renewal DACA requests from individuals who previously held DACA and file within one year of the date their prior grant of DACA expired. USCIS understands this practice to be consistent with the terms of the Court's injunction and is continuing to adjudicate such renewal requests.

10. On July 16, 2021, USCIS halted the scheduling of any DACA requests for biometrics appointments at the Application Support Centers (ASC) so that no new appointments for initial DACA requestors were scheduled. USCIS is in the process of removing pending

initial requests from the scheduling pool for biometrics appointments and implementing system-based stops to prevent future scheduling.

11. On July 16, 2021, and within the early morning hours of July 17, adjustments were made to ELIS (the internal USCIS electronic system used to adjudicate DACA requests) to prevent adjudicators from being able to process DACA initial requests for adjudication.

12. On July 18, 2021, USCIS notified individuals with pending initial DACA requests who had already been scheduled for biometrics appointments that their ASC appointments had been canceled, through text messages and emails, as well as a message to the eGov delivery service. There were approximately 9,800 individuals with pending initial DACA requests scheduled for biometrics between July 19, 2021 and August 6, 2021.

13. Despite the messaging campaign, most of the scheduled requestors arrived at the ASCs for the appointments throughout the week of July 19. USCIS provided the contractor that operates the 131 ASCs across the U.S. and its territories with a list of all initial DACA requestors with instructions not to collect biometrics from these requestors. However, as of July 26th, approximately 52 initial DACA requestors had biometrics collected throughout the week. USCIS determined that in each case, the cause was human error. USCIS is continuously reinforcing communications with the vendor to ensure that no further initial DACA requestors are processed for biometrics. Initial DACA requests for individuals who had biometrics collected despite the cancellation of their appointments, will not move forward with adjudication.

14. On Monday, July 19, 2021 USCIS identified nine initial DACA cases that were acted upon between Saturday, July 17 and Monday, July 19. USCIS was able to immediately intervene in one case before any notice was issued to the requestor, and has taken the following remedial steps to address the eight remaining cases, and further safeguard against any additional errors:

- a. USCIS identified that the adjustments to ELIS did not prevent cases already assigned to a work queue from being processed it only prevented additional

initial cases from being newly assigned to an adjudicator's work queue. USCIS subsequently unassigned all DACA initial requests from adjudicators' work queues.

b. USCIS was able to prevent all related EAD cards from being mailed for the DACA initial requests acted on after July 16, 2021. Six EAD cards were able to be pulled from production entirely, and the additional two cards were manually pulled after production to prevent the cards from being mailed.

c. USCIS is advising the remaining eight initial individuals that their DACA approvals were void at the time of issuance and that they have not been granted DACA given this Court's order. The cases have been returned to pending status and will remain on hold with all other DACA initial requests.

d. Beginning on July 19, 2021, USCIS has run data inquiries multiple times a day to identify any initial DACA requests in any workflow queues so they may be removed. To date, the inquiries have shown no new DACA initials filings have been adjudicated.

15. For individuals whose initial DACA requests (Forms I-821D) had been approved in USCIS systems on or before July 16, 2021, and for whom the Court stayed its injunction on DACA, USCIS interprets the Court's stay of its injunction to permit such existing DACA recipients to continue receiving their approval notices and I-766 Employment Authorization Documents (EADs) even if issued after the date of approval of their DACA request by USCIS adjudicators. Notices of DACA grants and associated EADs are routinely issued subsequent to the date on which the grant actually occurred simply due to the lag time to create and mail notices and/or EADs. Some Forms I-765 are adjudicated after the I-821D is approved, depending on whether all evidence has been received for purposes of the Form I-765 adjudication. If the Form I-765 is approved later for a requestor who was granted initial DACA on or before July 16, 2021, the EAD will bear a validity date period that runs from the later approval date of the Form I-765 for employment authorization, not the Form I-821D for DACA, through the end date for the recipient's DACA grant.

16. USCIS continues to accept and process DACA renewals.

17. USCIS believes that the technological and systematic solutions described in paragraph 14 will provide a stop gap to prevent the issuance of new initial DACA grants.

18. On July 19, 2021 USCIS updated its website to reflect that a U.S. District Court has found the DACA program to be illegal and that, although applicants may continue to submit applications, the Government is prohibited from granting such applications, as well as provide a copy of the notice to all counsel and post to the docket.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 27th day of July of 2021.

TRACY L
RENAUD Digitally signed by
TRACY L RENAUD
Date: 2021.07.27
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Tracy L. Renaud
Acting Director,
U.S. Citizenship and Immigration Services
Department of Homeland Security